

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

DOUG DALTON,

Plaintiff,

v.

No. 1:22-cv-01102-STA-jay

STATE FARM INSURANCE  
COMPANY,

Defendant.

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**ORDER GRANTING MOTION TO COMPEL INSPECTION AND MODIFICATION OF  
SCHEDULING ORDER**

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Before the Court is Defendant's Motion to Compel Inspection and Modification of the Scheduling Order. Docket Entry "D.E." 32. Defendant requests the Court compel Plaintiff to allow Defendant to inspect the insured property. Plaintiff claims the property was damaged in a May 4, 2021 storm. D.E. 32. According to Defendant, the insurance policy imposes on Plaintiff a duty to "as often as [Defendant] reasonably require[s] . . . exhibit the damaged property." D.E. 32 at 1 (quoting Exhibit 1, Section I – Conditions).

It appears Defendant has attempted to coordinate an inspection of the property with Plaintiff, but Plaintiff is either unwilling to do so or unresponsive to the requests. D.E. 32 at 2. Given that this inspection is a contractual obligation under the insurance policy, the Court will enforce it against Plaintiff. Therefore, Plaintiff is ORDERED to coordinate with Defendants an appropriate time for an inspection of the alleged damaged property. The inspection must take place no later than February 6, 2023.

Defendant also moves the Court to amend the Scheduling Order. D.E. 14. In light of Defendant's previous lack of access to inspect the insured property, Defendant has shown good grounds for modification of the scheduling order. Accordingly, the parties are ORDERED to confer and submit a proposed modified scheduling order no later than January 20, 2023.

The Court has concerns over what appears to be an ongoing lack of meaningful communication and consultation among counsel. The parties are reminded the compliance with Federal and Local Rules is imperative to the swift and just resolution of civil cases in Federal Court. Failure to comply with these rules will not be looked upon favorably moving forward and may result in the denial of motions. Further, failure to consult with opposing counsel with regards to the proposed modified scheduling order may result in sanctions.

For the foregoing reasons, Defendant's Motion to Compel Inspection and Motion to Amend the Scheduling Order are **GRANTED**.

IT IS SO ORDERED this 6th day of January, 2023.

**s/Jon A. York**  
UNITED STATES MAGISTRATE JUDGE